

### Remarks

In the application, claims 15 through 18, 25 through 27, and 29 through 51 are presently pending. No claims have been allowed.

The non-final Office Action dated December 4, 2008, has been carefully considered. Claims 20 and 22 are objected to as duplicate in nature. Claims 15 and 19 are objected to as duplicate in nature. Claim 20 is objected to for failure to narrow its antecedent claim. Claims 15 through 27 and 29 through 51 are rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patents 6,757,270 (“Kumar”) and 5,530,912 (“Agrawal”).

### Amendments to the Claims

Claims 19 through 24 are cancelled.

### The §103(a) Rejection

The Applicant respectfully submits that the combination of Kumar and Agrawal does not teach every element of the presently pending claims.

In particular, the mobile station in Kumar sends pilot strength measurement messages, but Kumar’s mobile station does not send an indication that it intends to switch from the current serving cell to a target cell. The section of Kumar cited against this element of the presently pending claims says instead:

In particular, the mobile transmits a pilot strength measurement message (PSMM), which causes *the primary to transmit a packet data handoff request (PDHOREQ) message* to the new base station being added to the reverse-link active set (i.e., the new secondary base station).

(Kumar, column 15, lines 19 through 23. Emphasis added.) Thus, in Kumar the primary base station sends the handoff request rather than the mobile sending a handoff indication, as in the presently pending claims.

All of the presently pending independent claims include this element wherein the mobile station sends an indication (or, on the other side, wherein the base station receives the indication) that the mobile station intends to switch cells. Because the cited art does not teach this element, the Applicant submits that the independent claims, as currently amended, are patentable over the cited art. The pending dependent claims include by reference all of the limitations of their antecedent independent claims and so are patentable for at least the same reasons as given above.

### **Conclusion**

This application is considered to be in good and proper form for allowance, and the Applicant requests that the Examiner pass this application on to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the Applicant's representative at the number given below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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